

DOMESTIC PARTNERSHIP INFORMATION SHEET

The Domestic Partnership Resolution No. 081-1998 allows employees in committed relationships who meet the criteria established by the Resolution as constituting domestic partnerships to register at the Employee Services Division, Employee Benefits Office, and obtain a copy of the Declaration of the Domestic Partnership Form attesting to their status. The Resolution recognizes certain rights of access for domestic partners. **THIS COUNTY RESOLUTION DOES NOT AFFECT STATE LAW IN MANY IMPORTANT AREAS OF PROPERTY RIGHTS, CUSTODY AND INHERITANCE. IF YOU HAVE QUESTIONS ABOUT THESE ISSUES YOU SHOULD CONSULT A LAWYER.**

WHO CAN QUALIFY AS DOMESTIC PARTNERS UNDER THE RESOLUTION?

To be domestic partners, you and your partner must be over the age of 18 and have chosen to share their lives in a committed family relationship of mutual caring as long as you and your partner: (1) consider yourselves to be members of one another's immediate family; (2) agree to be jointly responsible for one another's basic living expenses; (3) are not otherwise married or a member of another domestic partnership; (4) are not blood related in a way that would prevent you from being married to one another under the laws of Florida; (5) are each of at least legal age and competency required by Florida law to enter into a marriage or other binding contract; (6) reside at the same residence; and (7) each sign a Declaration of Domestic Partnership available from the Employee Benefits Office. *An updated Declaration of Domestic Partnership may be required periodically, but not more than annually. The Employee Benefits Office may also ask for substantiation of the Declaration.*

WHO CAN QUALIFY AS A DEPENDENT OF THE DOMESTIC PARTNERSHIP?

Dependent means an individual who lives within the household of a domestic partnership and is (1) a biological child or adopted child of a domestic partner; or (2) a dependent as defined under County employee benefit plan document; or (3) a ward of a domestic partnership as determined in a guardianship proceeding.

HOW TO REGISTER A DOMESTIC PARTNERSHIP

You may make an official record of a domestic partnership which meets the requirements described above. To do so, you and your partner must come to the Employee Services Division, Employee Benefits Office. There you will file a Declaration of Domestic Partnership, which both partners must sign under the pains and penalties of perjury.

HOW DO YOU ESTABLISH A DOMESTIC PARTNERSHIP?

An employee and his/her domestic partner are eligible to declare a Declaration of Domestic Partnership, signed under pains and penalties of perjury, in person with the Employee Benefits Section. *To establish a Domestic Partnership please contact the Employee Benefits Office at (305) 292-4450 to schedule an appointment.* In this declaration, employees agree to promptly notify the County of any change in their status.

As further evidence of two individuals being involved in a domestic partnership, (2) two of the following documents must be presented:

- (1) a lease, deed or mortgage indicating that both parties are jointly responsible;
- (2) driver's licenses for both partners showing the same address;
- (3) passports for both partners showing the same address;
- (4) verification of a joint bank account (savings or checking);
- (5) credit cards with the same account numbers in both names;
- (6) joint wills;
- (7) powers of attorney; or
- (8) joint title indicating that both partners own a vehicle.

(OVER)

DOES DOMESTIC PARTNERSHIP AFFECT EMPLOYMENT BENEFITS?

Employment fringe benefits vary for each of the Constitutional Officers. It is recommended that you contact your Human Resources/Personnel office for additional information regarding these benefits. Coverage under the group insurance plan is explained below.

DOES DOMESTIC PARTNERSHIP AFFECT GROUP INSURANCE BENEFITS?

Employees who are eligible for coverage under the Monroe County Group Health Plan may elect to enroll their domestic partners and/or child(ren) of the domestic partner for coverage (i.e., medical, dental, vision).

It will be the employee's responsibility to notify the Employee Benefits Office of their intent to enroll the domestic partner and/or any eligible dependents under the Monroe County Group Health Plan. Premiums for this coverage will be payroll deducted for active employees and paid by Money Order or Cashier's Check for retirees. The employee has 30 days from the date of the Domestic Partnership Declaration to add their domestic partner and/or the child(ren) of the domestic partner to their coverage. If the employee elects not to add them to their coverage at that time they will have to wait until the annual Open Enrollment period. Domestic partners/dependents enrolled in the Monroe County Group Health Plan are subject to the same rules and provisions applicable to covered spouses/dependents.

If an employee terminates the domestic partnership, or terminates employment with the county, insurance coverage for the partner and dependents will lapse.

THERE ARE POTENTIAL TAX CONSEQUENCES TO ENROLLING DOMESTIC PARTNERS AND CHILDREN IN MEDICAL INSURANCE COVERAGE. The Internal Revenue Service has determined that if an employee receives health benefits for a domestic partner or such a partner's child and the partner or child is not also a dependent of the employee as that term is defined by the Internal Revenue Code Section 152, the employee must pay federal income tax on the value of the benefit. This amount will be reported on the employee's W-2 form. You should consider discussing the tax implications of enrolling a domestic partner in the plan with your tax advisor prior to enrolling.

HOW DO YOU TERMINATE A DOMESTIC PARTNERSHIP REGISTRATION FILED WITH THE EMPLOYEE BENEFITS SECTION?

A domestic partnership is terminated by one of three ways, by death of a domestic partner, a domestic partner marries, or by voluntary termination by one or both domestic partners.

Termination by Death of a Partner: The termination of a domestic partnership is effective immediately upon the death of a domestic partner.

Termination when one Partner Marries: The termination of a domestic partnership is effective immediately when one partner marries.

Voluntary Termination: A domestic partnership may be terminated by a domestic partner filing with the Employee Benefits Office, either in person or by certified mail a termination statement. The statement must declare under pains and penalties of perjury that the domestic partnership is terminated and that a copy of the termination statement has been mailed by certified mail to the other domestic partner at his or her last known address. The address to which the termination was mailed must be shown on the termination statement.

Termination forms are available from the Employee Benefits Office. Termination will be effective 30 days after receipt by the Employee Benefits Office. It can be withdrawn any time before those thirty days have elapsed, and it has become effective. If a domestic partnership is terminated by one or both domestic partners, neither domestic partner may file another domestic partnership until six months after the effective termination date.

REMINDER: To establish a Domestic Partnership you must contact the Employee Benefits Office at 305-292-4450 to schedule an appointment.